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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,052	03/01/2004	Kuo Tsung-Jung	251209-1150	2867
24504	7590	03/27/2006	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP			KAYRISH, MATTHEW	
100 GALLERIA PARKWAY, NW			ART UNIT	
STE 1750			PAPER NUMBER	
ATLANTA, GA 30339-5948			2627	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/791,052	TSUNG-JUNG, KUO	
	Examiner	Art Unit	
	Matthew G. Kayrish	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Numata (US Patent Number 6603724), in view of Niikura (US Publication Number 2004/0017767).
3. Regarding claims 1, 10 and 13, Numata et al disclose:

A disk-anchoring device of an optical disk device, comprising:

A substrate (figure 18, item 30);

A clamper for fixing a disk (figure 13, item 150), further having a magnetic (front cover figure, item 50) element;

A clamper frame for holding the clamper (figure 18, item 132), mounted on the substrate and further having thereof a first protruding portion (figure 18, item 130);

A clamper holder for fixing the clamper frame (figure 13, item 131), mounted on the substrate (figure 12, item 114);

A rack slider (figure 12, item 110), mounted on the substrate and having thereof an inclined portion (figure 16, item 162b) and a second protruding portion (figure 15, item 162); and

Wherein the second protrusion portion of the rack slider (Item 110 and 160 are integral parts) is used to abut the first protrusion portion of the clamper frame (figure 19, items 130 & 162) and the first protrusion portion is scheduled to rest on the inclined portion (See figure 19, item 130 rests on item 162).

Numata fails to disclose:

A frame clamper for attracting the clamper, mounted on the substrate;

An elastic element, movably hooked to the substrate;

Niikura et al disclose:

A frame clamper (front cover, item 7) for attracting the clamper (page 2, paragraph 30), mounted on the substrate (front cover, item 6);

An elastic element, movably hooked to the substrate (front cover, item 11);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Numata with a clamper frame for attracting the clamper, as taught by Niikura, mounted to the substrate, because this will attract the clamper off of the disc when an eject action is being performed. It would further be obvious to provide Numata with a damper spring, as taught by Niikura, as this will force the clamper in the direction in which the clamper will clamp the disc.

4. Regarding claims 2 & 14, Niikura et al disclose:

The disk-anchoring device as claimed in claim 1, wherein the elastic element is a spring (page 2, paragraph 31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to give the clamping mechanism of Numata, a spring as taught by Niikura, to urge the clasper towards the disc to clamp it.

5. Regarding claims 3 & 11, Numata fails to disclose:

The disk-anchoring device as claimed in claim 1, wherein the substrate further comprises a plurality of locking holes for positioning the clasper frame, the clasper holder and the frame clasper.

Niikura et al disclose:

The disk-anchoring device as claimed in claim 1, wherein the substrate further comprises a plurality of locking holes for positioning the clasper frame, the clasper holder and the frame clasper (page 2, paragraph 30, see front cover image).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place positioning holes on the substrate, since this would ensure the security of all the parts not to move or loosen and saves on space.

6. Regarding claims 4 & 12, Numata et al disclose:

The disk-anchoring device as claimed in claim 1, wherein the substrate further comprises a plurality of guiding pillars for guiding the rack slider while in introducing or ejecting the optical disk (figure 12, items 116-119).

7. Regarding claims 6 & 16, Numata et al disclose:

The disk-anchoring device as claimed in claim 1, wherein the first protrusion portion of the clasper frame slides along the inclined portion of the rack slider after the rack slider begins to move and before the rack slider stops (column 12, lines 1-10); and

When the rack slider stops, wherein the second protrusion portion of the rack slider abuts the first protrusion portion and pushes the clamper downwardly so that the clamper frame pivots about the clamper holder to the utmost (figure 25, items 130 & 162b).

8. Regarding claims 7 & 17, Numata et al disclose:

The disk-anchoring device as claimed in claim 1, wherein the clamper holder further comprises an elastic arm (figure 12, item 122) and a pressing chunk (figure 16, item 161a), which is used to depress the clamper holder with resilience provided by the elastic arm (column 9, lines 56-67 & column 10 lines 1-4).

9. Regarding claims 8, 9, 18 & 19, Numata et al disclose:

The disk-anchoring device as claimed in claim 4, wherein the rack slider further comprises a plurality of guide grooves to be traveled along by the respective guiding pillars of the substrate (figure 6, items 31b 31c & 31d).

10. Claims 5 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Numata (US Patent Number 6603724), in view of Niikura (US Publication Number 2004/0017767), in further view of Kato (US Publication Number 2002/0150027).

11. Regarding claims 5 & 15, Numata, in view of Niikura, fails to disclose:

The disk-anchoring device as claimed in claim 1, wherein the substrate further comprises a positioning hook for placing the elastic element.

Kato et al disclose:

The disk-anchoring device as claimed in claim 1, wherein the substrate further comprises a positioning hook for placing the elastic element (page 4, paragraph 55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a positioning hook on the substrate of Numata, as this would ensure that the spring was supported completely thereon the substrate, thereby reducing the number of parts.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.
13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

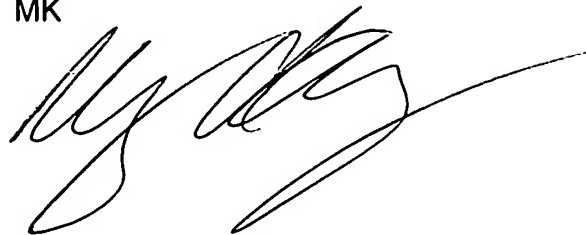
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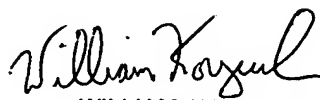
Matthew Greco Kayrish

3/20/2006

MK

A large, stylized handwritten signature in black ink, likely belonging to Matthew Greco Kayrish.

3-20-2006


WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600